



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1990/SR.20
9 April 1990

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE FIRST PART* OF THE 20TH MEETING

Held at the Palais des Nations, Geneva,
on Monday, 12 February 1990, at 4 p.m.

Chairman: Mrs. QUISUMBING (Philippines)
later: Mrs. REGAZZOLI (Argentina)
later: Mr. DITCHEV (Bulgaria)

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Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study

* The summary record of the second part of the meeting appears as document E/CN.4/1990/SR.20/Add.1.

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of special problems which developing countries face in their efforts to achieve these human rights, including:

- (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;
- (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms;
- (c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights (continued)

Question of the realization of the right to development (continued)

Status of the International Covenants on Human Rights (continued)

Effective functioning of bodies established pursuant to United Nations human rights instruments (continued)

The meeting was called to order at 4.15 p.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

- (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS, AND IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;
- (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;
- (c) POPULATION PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (agenda item 7) (continued) (E/CN.4/1990/8 and 66; E/CN.4/Sub.2/1989/19)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1990/9 (part III) and 33; E/CN.4/1990/NGO/18; E/CN.4/1989/10)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 17) (continued) (E/C.12/1988/1; CCPR/C/2/Rev.2; A/44/441)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 18) (continued) (E/CN.4/1990/39; A/44/539 and 668)

1. Mr. AIT CHAALAL (Observer for Algeria) said that the Commission's resolution 1989/45 on the right to development recognized the need for a permanent monitoring mechanism which would ensure the implementation of the principles enshrined in the Declaration on the Right to Development. Such a mechanism was justified by the lack of precision concerning the concept in the eyes of world public opinion and by the close links which existed between the defence of human rights and the demand for individual or collective economic rights. That relationship was not always clear, and it must be recognized that the right to development was sometimes perceived in a very theoretical manner.

2. As an integral component of human rights, the right to development represented a moral standard which was generally accepted and therefore mandatory. Development was not mere growth. It had human roots and economic repercussions which must be rigorously identified, in terms of education and training, health, the promotion of civic autonomy, and individual and collective responsibility. Man was both the object and the subject of the right to development; he was its source and its outcome.

3. Despite the adoption by the General Assembly in 1974 of the Declaration and Programme of Action on the establishment of a New International Economic Order (resolutions 3201 and 3202 (S-VII)), the lack of genuine determination

and political will had made it impossible to initiate a system of collaboration and co-operation between the countries of the northern and southern hemispheres, or at least a system capable of introducing the necessary restructuring. At the international level, a number of conventions had been adopted which had at most made it possible to avoid the worst without compromising the future unduly. The most developed countries, because they had been the first to arrive, considered that they were most concerned and had drawn up among themselves an international system of law which safeguarded their interests. The immediate causes of underdevelopment were well known, namely, the unfair terms of trade, which did not permit work to be properly remunerated and created growing indebtedness, the constant rise in the prices of imported manufactured goods, the closing of the markets of the North to the undervalued products of the South, and financial manipulations over which the underdeveloped countries had no influence and which permitted the most favoured to arrange the transfer of their deficits to the detriment of the less developed.

4. The debt problem had assumed dimensions such that it now seriously mortgaged the entire third world and jeopardized any real development policy in those countries. Solutions which would produce a minimum of self-development and satisfy basic food needs were difficult enough without adding the debt burden to them. The debt question was a joint responsibility of the debtor countries, on the one hand, and the creditor countries and agencies, on the other; it was not the problem of a given country in isolation. A pseudo-liberal international system based on unequal trade, unilaterally-manipulated finance, and co-operation which impoverished had resulted in the underdeveloped countries transferring to the rich countries substantially more than they received, a tragic paradox which must be tackled.

5. Ideologies, stubborn adherence to the established or ready-made solutions could not provide the universal remedy for the ills of the developing countries. Solutions must be found through pragmatic research which would take into account the practical realities of the countries concerned and allow man to play a proper role in the development process. The current cycle of the Uruguay Round of trade negotiations did not question the fundamentals of the existing order; too often the conflicting interests of the United States, the European Economic Community and Japan were to be seen, without any consideration for the marginalized role of the third world. The liberalization and growth of world trade, were supposed to encourage economic development and peace, were of little consequence for countries whose export capacity was dwindling, together with the market value of their products.

6. The international situation, however, gave grounds for hope following the détente between the super-Powers and the emergence of freedoms in Eastern Europe. Détente was welcome, particularly in the disarmament field, because it was possible to envisage the release of substantial additional resources for assistance to the third world and for development. But there was a real fear that the building of the new Europe would once again disappoint the expectations of the developing countries, which wanted greater equity in the distribution of the benefits of development. Nevertheless, the building of a revived Europe could be a unique opportunity for global reconsideration of the current economic system and for a revision that would seek to redress the growing structural imbalances which, in the long term,

could not fail to pose a serious threat to peace. Such co-operation was necessary and would be of benefit to all. It was even inevitable, and the United Nations offered the best means for its realization.

7. Mr. STUART (Observer for Australia), speaking on agenda items 17 and 18, said he wished to comment on the study by Mr. Alston on long-term approaches to enhancing the operation of United Nations human rights treaty bodies (A/44/668). The study showed that, while none of the treaty bodies had existed 20 years earlier, there were currently six which required reporting from the more than 530 States parties to the six relevant treaties. Furthermore, there was every prospect that a committee responsible for supervising implementation of the Convention on the Rights of the Child would begin meeting in 1991, while another body was envisaged under the future convention on migrant workers. In addition, tens of thousands of individual communications had been submitted under the first Optional Protocol to the International Covenant on Civil and Political Rights and under article 14 of the Convention on the Elimination of All Forms of Racial Discrimination. Such growth in the number of reports and communications considered and in the number of treaty bodies had brought with it problems which must not be neglected if the treaties were to serve their intended purpose. His delegation therefore wished to lay emphasis on a number of the recommendations and comments made by Mr. Alston in his study.

8. First, if the coherence and integrity of the treaty system were to be preserved, it would be essential, according to the author, to maximize normative consistency. It was incumbent on delegations, the secretariat and all those committed to the human rights programme of the United Nations to nurture the system that had been so painstakingly built up and to respect the solid foundation of jurisprudence which had been developed since the adoption of the Universal Declaration of Human Rights. In that regard, the guidelines contained in General Assembly resolution 41/120 should be borne in mind. The secretariat and experts also had an important role to play in drawing the attention of Governments to any potential inconsistency with, or derogation from, existing standards, in ensuring that all official language versions were consistent and gender-neutral, and in undertaking technical reviews of draft conventions before adoption.

9. It was essential to ensure not only the coherence of the treaty system and its incorporation into international law, but also its credibility as a demonstration of Governments' commitment to human rights. While each treaty body had been established separately, together they formed an integral system and should not be viewed as operating in isolation from one another or from other United Nations bodies. That was evident when one examined the degree of overlap between the provisions of the various treaties as set out in document E/C.12/1989/3. In that connection, Mr. Alston's recommendation that treaty bodies should have access to the records of other human rights treaty bodies was a sensible one. The various committees should also draw on other reliable sources of information in their respective fields of competence, particularly the specialized agencies and non-governmental organizations. Possible ways of rationalizing the treaty system in the longer term should be considered; his delegation had already proposed that the Sub-Commission should make a study of the possibility of consolidating the function of the various monitoring bodies into a single international body, possibly as an adjunct to the International Court of Justice.

10. Secondly, on funding and resources, experience had demonstrated the shortcomings of the current system, which relied solely on the contributions of States parties. His delegation supported the recommendations on funding made by Mr. Alston and was willing to examine a method of financing within the regular United Nations budget without damaging other priority areas of the human rights programme. As a start, the Commission might request the Secretary-General to bolster the capacity of the United Nations Secretariat in the field of human rights. Until a solution to the funding question was found, all States parties to the Conventions that required assessed contributions must fulfil those obligations in full and on time.

11. Thirdly, his delegation considered that the periodic reporting system had been worthwhile, as the process had been a major factor in strengthening acceptance by Governments of the fact that they were accountable for their record in promoting and protecting the rights of their individual citizens. One reason for that result was that the committees had opted for a constructive dialogue with States parties and had fostered a more open, less defensive attitude to consideration of human rights issues. At the same time, the preparation, submission and consideration of periodic reports imposed considerable strain not only on the monitoring bodies, most of which faced large backlogs of unconsidered reports, but also on the national bureaucracies required to prepare those reports. That burden was becoming even more onerous as the number of treaties and ratifications grew. It was therefore necessary to streamline the current system for the preparation and consideration of reports.

12. A number of measures had already been taken or were under preparation. The secretariat had prepared draft consolidated reporting guidelines (A/44/539) which envisaged the possibility for States parties to submit the same document as the first part of their periodic report (country profile). Several delegations had proposed that a system of cross-referencing reports, which had already appeared should be adopted in order to avoid duplication. Several treaty bodies had sought to enhance the efficiency of their work by establishing pre-sessional working groups, a course which were more cost-effective than extending the length of committee sessions.

13. Such reforms were necessary but might not be sufficient; in his delegation's view, the treaty system was in danger of choking on the reams of paper represented by the reports. The use of computerized information technology could be part of a solution and, in that connection, his delegation drew the attention of the Commission to the advantages of computerization as set out in the report of the task force appointed by the Secretary-General (E/CN.4/1990/39). First, the system for the production and consideration of reports would be more manageable; access to the information provided by Governments would be facilitated throughout the network of United Nations agencies; among other benefits, that would avoid repeated requests to Governments for information. Computerization would enable a heavier workload to be dealt with without too great an increase in staff. In its conclusion (para. 66), the task force expressed the view that the alternatives to using a computer-based system to assist the treaty bodies were either a substantial increase in staff devoted exclusively to the treaty bodies or the risk that the reporting system would collapse.

14. With regard to the International Covenants on Human Rights, he reminded the Commission that, in order to ensure universal protection of human rights,

all countries must accede to the principal human rights instruments. Australia therefore urged those States which had not yet ratified them to consider doing so as a matter of priority. The United Nations should launch a campaign to publicize the Bill of Human Rights, and the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. A record, in the form of a readable synthesis, of the work of those committees should be made available, as Mr. Alston had recommended, and those summaries should be publicized by the United Nations Information Centre in the capital of the relevant country following consideration of its report.

15. His Government welcomed the adoption of the second Optional Protocol on the abolition of the death penalty by the General Assembly at its forty-fourth session. That was a major step forward in extending the right to life as embodied in article 6 of the International Covenant on Civil and Political Rights. It was the responsibility of delegations to ensure that the integrity of existing and future human rights instruments and the effectiveness of the implementation machinery established by them were the key considerations in the future evolution of the international treaty system.

16. Mr. TEITELBAUM (International League for the Rights and Liberation of Peoples), speaking on agenda items 7 and 8, referred in particular to external indebtedness. While it was true that debtors and creditors were well aware that part of the interest would never be paid, the debt was maintained, refinanced and renegotiated, for it had become both a political mechanism which made it possible to impose on debtors the adjustment policies advocated by IMF and the World Bank, and an economic tool which guaranteed a constant net flow of capital from the poor debtor countries to the rich creditor countries.

17. In imposing its adjustment policies, IMF itself recognized that all necessary attention should be devoted to protecting the poorest sectors against the temporary negative effects of the economic reforms which those policies called for. In fact, the current proposals of IMF were hardly distinguishable from the stabilization policies which it had recommended in the past, and they led to the same results: concentration of wealth, impoverishment of most of the people, intensification of social conflicts, and the suppression and violation of human rights. The only beneficiaries of those strategies were the major transnational corporations and the privileged minorities of the underdeveloped countries. Those policies also had a unilateral character in that the sacrifices required from the so-called peripheral countries did not call for any counterpart by the developed countries in the form of profitable prices for commodities, lowering interest rates or opening the markets of the rich countries to the debtor countries.

18. Those strategies also had a long-term recessionary effect on the economies of the underdeveloped countries, as had happened throughout the 1980s; they also excluded any other economic policy option. It was particularly worrying that IMF had proposed a rise in agricultural prices as an incentive for increasing agricultural production, at a time when one of the principal causes of the endemic hunger besetting millions of human beings was the disappearance of subsistence agriculture. That traditional agriculture was being replaced by export agriculture, with the result that millions of poor peasants had been driven to the cities, where they were currently obliged to pay for their food at a time when they had no money. The increase in agricultural prices would result in even more serious undernourishment in the

poor areas of cities and among agricultural workers, as well as poor peasants working to produce export crops. In order to increase agricultural production and encourage social progress, fertile land should be distributed to the hundreds of millions of peasants who had none, they should be granted loans and irrigation schemes should be undertaken; where necessary peasant communities should be permitted to control the management of loans and water supply in a democratic manner, in order to avoid monopolization by an influential and privileged minority as was the case at present.

19. His organization accordingly rejected the idea that adjustment policies were inevitable and that such policies only needed to be humanized through the reduction of extreme poverty. In its view, there were other possible policies which could not only lessen but eliminate extreme poverty and pave the way for genuine development. One of the main obstacles to implementation of a coherent international economic and financial policy satisfactory to all was the absence of democracy in the multilateral financial agencies, particularly IMF, where decision-making power lay with a small group of rich countries. The other major obstacle was the absence of true popular participation, at both at the national and international levels, notwithstanding the provisions of article 5 of the Declaration on Social Progress and Development adopted 20 years earlier by the General Assembly in resolution 2542 (XXIV).

20. Popular participation could assume several forms of association: communities in urban and rural areas, trade unions and vocational associations, political parties and social movements. Direct participation in the activities of the organs of power was accomplished through the election of citizens who would hold offices in the different agencies of the State apparatus. Such participation must meet several conditions: periodicity, pluralism of political parties and the possibility of free choice between the various candidates. Other conditions were also essential before one could speak of truly popular participation through electoral processes. First, there was a need for a mandate (candidates undertook to implement the announced programme) and a sanction (revocation of the mandate). Secondly, the possibilities of attaining public office must be equal for all citizens, without distinction as to social or economic condition. Thirdly, the media must be managed and used in a democratic manner; they must not be in the hands of monopolies or economic or social oligopolies and must not be a substitute for political parties or social movements. Fourthly, in order to encourage the direct participation of all citizens in decision-making, there should be regionalization and decentralization of power.

21. Much remained to be done before such a degree of popular participation could be achieved, both in the East and in the West, as well as in the North and in the South. The United Nations had a role to play in that connection at the theoretical and practical levels. It had recently played a role in Namibia, where it had helped to organize a democratic and independent State. It was doing so in Nicaragua, by supervising, efficiently and successfully, an electoral process which should culminate in the election of 25 February 1990. In that connection, it would be beneficial to distribute in Geneva the reports submitted to the General Assembly on the observation mission sent to Nicaragua (A/44/642 and 834), together with subsequent reports.

22. Mr. KARUNAN (Pax Romana), speaking on behalf of four international Catholic organizations, reminded the Commission that Mr. Diokno, a prominent lawyer and former senator of the Philippines, had summarized the problem of

development as meaning not just providing people with food, clothing and shelter, (after all, prisons did as much), but also that people should decide what food, clothing and shelter were adequate and how they were to be provided.

23. The Declaration on the Right to Development was a major step forward in establishing the crucial link between development and human rights. Article 2 of the Declaration, dealing with the individual and collective aspects of the right to development, stipulated that citizens should enjoy the fundamental right to determine and participate in all aspects of life relating to their development and well-being and to those of the nation. That provision had often been used as a pretext for Governments, the international financial agencies, multinational corporations and others to promote a "development model" which in fact negated that fundamental basis. For several decades, such "false development" had been a universal evil and had represented a problem not only for the "poor" countries but also for the "rich" countries.

24. The international Catholic organizations believed that development was basically a process of humanization through which people attained a way of life characterized by freedom, justice, equality and fellowship. As the Pope had stated in his papal letter on development (No. 21), it was a process by which people moved from less human conditions to more human conditions.

25. A fundamental question was to determine what should be the human model or project for the individual citizen, community, society and nation in the world of today. Many serious violations of human rights had occurred because of dehumanization which had a particular impact on indigenous peoples, disadvantaged communities, cultural and ethnic minorities, women and children.

26. From that standpoint, development was freedom from structures, mechanisms and relationships that dehumanized people, individually or collectively. Society must be humanized by liberating it from the forces which prevented the full attainment of humanization; in that sense, the right to life was indeed a central element of the right to development.

27. The right to development must be exercised through "peoples' participation" and, although it was true that participation and solidarity represented the path to peace and development, it was also true that the latter would inevitably be the fruit of the former. Partnership must therefore be substituted for competition and dialogue for polarization. In other words, development was a human right in itself, as it responded to the human need to attain full development.

28. He urged the Commission to endorse the conclusions and recommendations of the global consultation on the right to development which, in January 1990, had brought together nearly 170 experts, representatives of Governments, United Nations agencies and non-governmental organizations; such action would contribute to the implementation of the Declaration on the Right to Development.

29. Mrs. Regazzoli (Argentina) took the Chair.

30. Mr. ROA KOURI (Cuba) observed that the détente between the major Powers, by removing the threat of a nuclear holocaust, was an essential prior condition for a lasting peace which, however, in the modern world, was far from being universal. Peace continued to be the privilege of a few countries

in the developed world, while recourse to force, military aggression, interference in the internal affairs of other States and armed conflict were rampant in the third world. The clearest proof of that fact was that, at the climax of the honeymoon between the major Powers, Panama, a small non-aligned Latin American country, had been invaded by a super-Power which had not hesitated to attack merchant vessels in international waters and to finance mercenaries in Nicaragua and Angola, when it was not invading Cuba's air-waves, with openly-subversive intentions.

31. Mankind was seeking equal peace for all States, small or large, powerful or otherwise, for that would make development possible. Meanwhile, however, the gap between the underdeveloped countries and the affluent, powerful and industrialized world continued to widen, and peace seemed impossible without development.

32. The new essential theme of the realization of the right to development was regarded by some only as a more or less praiseworthy aspiration, but not as a legitimate right of peoples. The origin of that attitude was to be found in the traditional exploitation of the underdeveloped peoples, which had enabled the rich of today to achieve their development. That was true of the United States, which had succeeded in ensuring its own development through the military expropriation of the lands and resources of the indigenous peoples of North America, by robbing Mexico of 40 per cent of its territory, and by ousting Spain from its last colonies in the New World and the Pacific in order to expand into the Caribbean and Latin America. American Sugar, the United Food Company, American Smelting, ITT and Esso Standard figured in the annals of that exploitation, although some had already been replaced by the new oligopolies which were dominating the system, dictating their own prices, monopolizing commodities and concentrating fabulous wealth in fewer and fewer hands. In addition, a new form of transnational exploitation had emerged in which the disinherited of the earth, the underdeveloped and impoverished countries of the third world, were financing the rich world and its development.

33. The "magic formula" which was supposed to bring progress and development to the poor countries called for the opening of the economies of those countries to foreign private capital and the implementation of adjustment policies intended to stimulate their economies, to reduce inflation and to promote new productive investment, without forgetting the punctual repayment of the external debt.

34. The reality was quite different. The annual economic growth of all the third-world countries had averaged 5.6 per cent during the 1970s, but had fallen to 1.5 per cent during the 1980s, resulting in a decline in per capita GNP; at the same time, those countries' share of world trade had fallen from 28 per cent to 20 per cent. To that must be added the deterioration of the terms of trade during the previous 10 years as the prices of the commodities exported by those countries had collapsed and the phenomenon of "unequal trade" had worsened. As the director of the Cuban research centre on the world economy had pointed out recently, world trade was dominated by three factors which had negative implications for those countries, namely: the trend towards the concentration of the major trade flows in the hands of the developed countries, the unusual degree of inequality in trade, and the stagnation of trade between developing countries following the stagnation of their economies. The external debt had already reached astronomical

proportions and its annual repayment in itself represented an intolerable burden; it thus constituted a new form of neo-colonial exploitation, which excluded any growth in the economies of the underdeveloped countries, and consequently any hope of development.

35. The third world also faced a brutal credit cut-off; loans obtained in 1989, in the main from private banks, were no more than 20 per cent of those obtained in 1981. Three quarters of direct investments were made in developed capitalist countries, particularly in the United States, which monopolized 40 per cent of such investments. What remained for the third world was, in the words of a Cuban economist, "technological rear-guard investment", in other words, investment related directly to the exploitation of natural resources which were not yet replaceable by modern technology. The scientific and technological gap was steadily widening because the third world represented only 3 per cent of expenditure on those sectors, while the number of scientists and engineers engaged in scientific and technical production was, on average, 23 times less in those countries than in the developed capitalist countries.

36. In Latin America, therefore, the "magic formula" recommended by the developed countries had resulted not in any progress in profitability and rationalization of the economies of those countries, but only in unemployment or underemployment of 35 per cent of the economically-active population, while 130 million people were living in truly critical poverty. The decade just ended had been lost so far as the development of the region was concerned.

37. The prescriptions of IMF and the World Bank had failed to achieve three of their main short-term objectives: to contain inflation, to attract substantial foreign capital and to increase exports. Their only success, in fact, had been to ensure, in good years and in bad, payment of debt service and a very high degree of exploitation of manpower. The same Cuban economist had emphasized the hypocrisy and injustice which characterized the current international economic order when he had pointed out that the economy of the United States was the most unbalanced in the world and met all the conditions which would justify an IMF adjustment programme.

38. Cuba did not share the view of those who would like to stress civil and political rights at the expense of economic, social and cultural rights, and who saw "representative democracy" as a panacea that would ensure the social and material progress of mankind. On the other hand, it recognized the right of all peoples to choose their own path, without external interference or pressure or threats from any source. In 1959, Cuba had opted for a new society and continued to do so daily by defending its socialist choice, which it would never renounce.

39. It considered that fundamental human rights and freedoms were indivisible and interdependent, and that all rights - civil, political, economic, social and cultural - must be given equal attention, as stipulated in the Declaration on the Right to Development.

40. It might nevertheless be asked what rights were enjoyed by the billion people in the world who were suffering from hunger, even though world resources were adequate to feed them all. By what right did 13 to 18 million human beings die of starvation every year and what right protected 40,000 children who, in the third world, died of hunger or curable disease

daily? Was that the only future to which the indebted third world could aspire, as an exporter of capital to the rich world, ill paid for its commodities, and increasingly isolated from commercial and financial, scientific and technical trends, in a world supposed to be interdependent and productive of a life of freedom?

41. It might also be asked what rights had been enjoyed before the Revolution by the 600,000 chronic Cuban unemployed, the 200,000 women driven to prostitution in order to survive, the 2 million illiterates, the hundreds of thousands of children not attending school, the 100,000 landless peasants and the entire rural population, of whom 75 per cent lived in insanitary dwellings. Perhaps they had had the right to elect leaders from doubtful and corrupt backgrounds, who had swelled their bank accounts in Miami or New York, if not Switzerland, and invested in real estate in the United States or in huge ranches and sugar refineries where they had exploited the workers. These workers had constantly been threatened by the national guard or the police, who had been responsible for protecting magnates, both foreign and national.

42. What rights were enjoyed by the 3 million homeless in the United States or the millions of other people who lived below the poverty line in the richest country in the world?

43. The little island of Cuba which, for 100 years, had fought for its independence, was not prepared to live in a society where man ate man. Its power was the power of the people, and there was no need to spend a minimum of \$3 million in order to be elected senator or president. Cuba was neither seduced by the siren song nor intimidated by imperial arrogance. That was why it would not give up its right to be socialist and communist and to take responsibility for its own destiny.

44. Mr. BENHIMA (Morocco), speaking on agenda items 7 and 8, said that the Universal Declaration and the International Covenants constituted the framework of the International Bill of Human Rights and laid down the essential conditions for the realization of all those various rights. The international community had formulated standards and set up a monitoring mechanism, and was currently facing the triangular relationship between legislation, enforcement of the laws enacted, and lastly information and education. Among the problems encountered by the international community in the realization of human rights, mention must be made of world hunger, poverty, malnutrition, the misuse of progress in science and technology, the degradation of the environment, underdevelopment and external indebtedness.

45. In his report (E/CN.4/Sub.2/1989/19), the Special Rapporteur of the Sub-Commission had noted that most United Nations human rights activities related to civil and political rights. It was true that the Committee with special competence for those rights had worked hard and, in particular, had already made general comments on many of the provisions of the Covenant whose implementation it was responsible for monitoring. Notwithstanding the interdependence and indivisibility of the various rights, characteristics which had been given special recognition in a number of General Assembly resolutions, it was clear that economic, social and cultural rights and the obstacles impeding their realization, particularly in the developing countries, did not arouse the same interest as civil and political rights.

46. Economic, social and cultural rights had been strengthened by the Declaration on the Right to Development, but the activities designed to implement the Declaration were being jeopardized by the different interpretations of its content and the scope of its principles. Apart from chronic underdevelopment, a major problem was that of external debt, which had reached substantial proportions during the past decade and was currently characterized by a net flow of resources to the developed countries, to the detriment of the economies of other countries. Many African and Latin American countries, overwhelmed by the weight of that indebtedness, were facing a crisis which they must overcome in order to ensure their economic survival; to that end, they were having recourse to adjustment programmes designed to restore balance to their economies. In order to satisfy the substantial needs of those countries and enable them to achieve development, that ad hoc management should be replaced by a long-term approach which took account of the social aspect of development, and structural adjustment policies should be genuinely based on sustainable growth. The net flow of resources must also be reversed towards the developing countries by increasing the volume of private flows and that of bilateral and multilateral official development assistance.

47. Morocco carefully observed the implementation of the conditions set by IMF and the World Bank in support of recent initiatives designed to reduce the commercial debt of developing countries and ensure the success of adjustment efforts. In both the Economic and Social Council and the international financial institutions, Morocco stressed the fragile nature of the economies of those countries, which continued to suffer from an unfavourable international economic environment characterized by the deterioration of the terms of trade, the rise of protectionism, increased interest rates and a sharp fall in net inflows of external resources. The structural adjustment efforts made by many of them were being jeopardized by that environment, which increased the external debt, thus impeding the growth process and undermining attempts at recovery.

48. The time had come to identify the shortcomings which prevented realization of the right to development. It would thus be possible to make projections on a sound, equitable, clear and durable basis. There might then be some hope of ending a situation which had very negative implications for what had been done to ensure the enjoyment of human rights and, in particular, the economic, social and cultural rights of the most vulnerable groups in the developing countries. Whole-hearted solidarity and international co-operation were urgently needed in order to achieve that goal.

49. In that connection his delegation had taken note of the Sub-Commission's resolutions 1989/20 and 21, and very important recommendations made during the global consultation in Geneva; the latter represented a valid basis for greater in-depth consideration of the question of the realization of the right to development, a question which must be kept on the Commission's agenda. At the present stage it would be advisable to consider establishing a mechanism for co-ordination and follow-up; the composition and responsibilities of such a mechanism would be worked out during further consultations.

50. In connection with agenda item 7 (c), he said that, since 1956, his country, which was a land of freedom, tolerance and receptiveness to the world, had drawn up the outline for its future parliamentary system by providing for the creation of democratic institutions based on free elections

and the principle of the separation of powers under a constitutional monarchy. Fundamental rights and other public and trade-union freedoms of citizens of all faiths had been recognized, in conformity with the Code of Public Freedoms. Subsequently, other texts had established pluralism and multi-partyism which were the keys to any democratic system.

51. Article 3 of the Moroccan Constitution of 1972, which governed the representation of citizens, prohibited the single party. Parliament, in which different political groups and social-vocational organizations were represented, played an essential role in national life.

52. However, as King Hassan II had pointed out, democracy was meaningless unless the electors and the elected had a clear understanding of their rights, their duties and their responsibilities towards the nation; democracy was also a state of mind and a daily task. It needed civic and political education and its goal was to encourage local communities to take responsibility for their own affairs. Democracy had been introduced gradually in order to increase the experience of local authorities and to enable those elected to become fully aware of their responsibilities.

53. The communes had played an important role in the political education of citizens. Local democracy had been established as long ago as 1959, but it was the Act of 30 September 1976 that had been the turning-point in the process of local democratization. The Act had judiciously divided power between elected officers and the local authority, contributed to recovery of local finances by allocating 30 per cent of VAT (value-added tax) to the budgets of the communes, and stressed the need to establish a separate corps of local officials. Since the advent of the "local civil service", the communes had recruited and managed their human resources at both the higher and middle levels. The political importance of the local communities had been emphasized in the 1983 election when, out of 15,493 locally-elected officials, 78 per cent had been members of political parties.

54. The intention to proceed to a further stage in decentralization had been announced by the King in his speech of 24 October 1984, with a plan for a federative structure. The 1988-1992 orientation plan made provision for flexible and pragmatic planning and a strategy based on the individual and the satisfaction of his essential needs. Priority was given to an expanded decentralization policy based on broader collaboration and participation by all economic and social partners in the work of development. Political liberalism extended to economic life, with the encouragement of private initiative and the promotion of privatization, thus illustrating the role of popular participation in the development effort.

55. Mr. DAODE ZHAN (China) said that it was now widely accepted in the international community that the right to development was an inalienable human right, whose realization could not fail to help peoples to enjoy various other fundamental rights and freedoms. He was pleased to note that the competent bodies in the United Nations system were paying increasing attention to the right to development, as was evident from the recent global consultation on the realization of that right. Positive results had been achieved during the consultation. The participants had made an in-depth analysis of the inevitable impact on the implementation of the Declaration on the Right to Development of such internal and external factors as peace and security, foreign debt, resources, terms of trade, monetary policies, and bilateral and

multilateral assistance. Useful opinions had been expressed on means of realizing the right to development, and constructive suggestions had been made concerning the role of the United Nations in general and the Centre for Human Rights in particular in the promotion of that right and in co-ordination of its implementation.

56. His delegation hoped that the results of the consultation would attract the attention of the Commission and be given wide publicity. It further hoped that the practical recommendations made during the consultation would be put into practice immediately and that the United Nations would organize similar activities in the future so that the international community could gain a better understanding of the importance of the Declaration on the Right to Development, sum up the experience acquired, explore means of promoting economic, social and cultural rights, and thus hasten the full realization of the right to development.

57. The tendency to consider only the economic aspect of the right to development must be avoided. It was a fundamental human right, both individual and collective, which covered not only raising general living standards but also the overall development of the economy, society, culture, education, health and social well-being and the realization of social justice.

58. In order to realize the right to development, it was above all essential for the Government and people to make joint efforts. The Government was accountable for designing development strategies in the light of the specific conditions of the country concerned and for making timely adjustments in line with changing circumstances. It was also responsible for maintaining social stability and order, thereby creating favourable internal conditions for national economic and social development.

59. As had been emphasized in the report on the consultation, the realization of the right to development involved everybody. The enthusiasm of the people must be mobilized so that every citizen was able to exercise his talents to the full, to participate in the development process and to enjoy the fruits of that development in conditions of equality.

60. At the international level, the relaxation of tensions must not be allowed to overshadow the continuing North-South problems. It was of fundamental importance that there should be full and close co-operation between the members of the international community in the realization of the right to development. All countries, and the developed ones in particular, must take positive and effective measures to remedy the unjust and irrational nature of world economic structures. In particular, efforts should be made to raise the prices of primary products, stabilize exchange rates, lower interest rates, improve terms for technology transfer, ease the debt burden of the developing world, end protectionism and increase official development assistance. Efforts must also be made to create a political environment conducive to realization of the right to development by eliminating such impediments as racism, colonialism, hegemonism, foreign aggression and occupation, and violations of the right of peoples to self-determination.

61. The report on the consultation explicitly pointed out that no single model of development was applicable to all cultures and peoples. Members of the international community must not therefore seek to impose their own models, but must promote friendly co-operation on the basis of equality.

Only by that means could real progress be made on the issues of peace and development and in the practical world-wide implementation of the Declaration on the Right to Development. His delegation was convinced that that was the aspiration not only of the majority of the States members of the Commission, but also of all justice- and peace-loving countries. It urged the Commission to shoulder its heavy responsibilities and to make new contributions to the promotion of the right to development.

62. Mr. STANEVSKI (Union of Soviet Socialist Republics) welcomed the release of Nelson Mandela, which was an event of capital importance for the peoples of Africa and for the promotion of human rights in general.

63. In the Soviet Union, more than 40 million copies of the Universal Declaration of Human Rights had been disseminated in 1989. That fact testified to the decisive turn taken by Soviet society in terms of the attention paid to rights and freedoms, to the deep need of the population properly to understand its rights as defined in the authoritative international instruments, to the country's approach to respect for generally-recognized standards, and to the compatibility of those standards with domestic Soviet legislation.

64. Far from seeking to impose its own interpretation of the Universal Declaration and the Covenants, the Soviet Union was endeavouring to foster exchanges of views on those fundamental instruments. In that connection there seemed to be a need for clarity on the part of the Commission as the position of States *vis-à-vis* the Universal Declaration and the Covenants was sometimes not expressed clearly enough and was based on ambiguities, which jeopardized international co-operation in the human rights field. More than one third of States had not yet acceded to the Covenants, and the Soviet Union urged them to do so. His country was not content to reaffirm its respect for international instruments but was aligning its internal legislation with international standards. The electoral system had thus been radically reformed and fundamental changes had been made in the Constitution of the Union and in the constitutions of the federated republics. A law on supervision of compliance with the Constitution of the Soviet Union had also been adopted.

65. Democratization had gone hand-in-hand with the emergence of political pluralism. The Communist Party remained ready to fight for its own pre-eminence, but would do so within the strict framework of a democratic process; its leading role must not be imposed by constitutional fiat. New laws proclaimed far-reaching legal reforms. Certain articles of the Criminal Code which had previously been strongly criticized in the Commission had been repealed; the psychiatric care system had been modified and other very important measures had been taken in the economic and social fields, such as the adoption of a law on the settlement of labour disputes. A bill which had recently been adopted at first reading would enable Soviet citizens to exercise their right to leave their country and return to it. In that connection, he reaffirmed that his Government was totally opposed to the settlement policy pursued by Israel, and was particularly concerned at the fact that those settlements were often made up of immigrants from other countries, notably the Soviet Union. Such measures represented a threat to human rights and undermined the efforts being made to resolve the Arab-Israeli conflict.

66. Other bills were under study in the Soviet Union, in particular a bill on freedom of conscience and another on the press. The Soviet media now reflected as broad a range of ideas and opinions as the media of any other country. All the changes currently under way in the Soviet Union plainly proved perestroika was not just a word, that the USSR rejected the Stalinist model for the organization of society, and that it wished henceforth to build a society based on truly humanist, democratic and socialist principles. Perestroika represented the affirmation of democracy in the territory of the Soviet Union and was likewise linked to the strengthening of democracy throughout the world.

67. Clearly, all those changes would also be reflected in the attitude of the Soviet Union to the international instruments on human rights and, in particular, the International Covenants. In that connection, to give priority to one or other category of rights appeared unnecessary and unjustifiable. It was true that hunger, illiteracy and disease deprived the freedoms and rights promulgated of their meaning, and that it was impossible to place the prospects of the poor person and those of the rich person on the same footing, without social protection, therefore, civil and political rights were no more than pious hopes. It was also a fact, however, that restrictions on civil and political rights disarmed the individual, put him at the mercy of the State, and encouraged social passivity and trends towards authoritarianism. There was no question of accusing anybody. The Soviet Union hoped, on the contrary, that its experience would be taken into account, even in its negative aspects. In certain countries, economic difficulties were impeding the development of political freedoms, and that in turn diminished initiative and creativity and jeopardized economic and technical progress. It was therefore the responsibility of the Commission to find means of breaking that vicious circle.

68. A State's attitude towards human rights was often a reflection of its interests or traditions. All the rights laid down in the International Covenants had a universal value. Regardless of traditions and cultures, people's needs and aspirations were essentially similar, for there was only one human race. It was always difficult to be different from others. Nobody should therefore dissociate himself from the standards formulated in the field of human rights, but likewise nobody should seek to impose his own views. It was impossible to work together without mutual understanding, without taking particular account of national pride and respect for differences. The Soviet Union was ready to co-operate fully with the Centre for Human Rights. The second Seminar on human rights had been held in the Soviet Union in November 1989 in conjunction with the Centre. The Soviet Union was also willing to participate in monitoring activities on human rights and in the prevention of violations. International monitoring was necessary and useful, and did not constitute interference in a State's internal affairs.

69. His delegation reaffirmed the need to respect the rights enshrined in the International Covenants on Human Rights, because it was on their realization that the progress of society depended.

70. Mr. HOSSAIN (Bangladesh) said that ever since the General Assembly had adopted the Declaration on the Right to Development, attention had rightly been focused in the Commission and other bodies on the future course of action to be adopted on the issue and, in particular, on practical measures to ensure implementation of the Declaration. The Commission was currently in a position

to make specific recommendations which could be incorporated in the draft International Development Strategy for the Fourth United Nations Development Decade, which would be considered by the General Assembly at the end of the year.

71. His delegation was convinced that human rights were indivisible and that the right to development must be considered not only as a fundamental human right but also as an essential prerequisite for the full realization and enjoyment of all other rights enshrined in the Universal Declaration. The chief impediments to the realization of the right to development in different parts of the world had now been identified; they included the debt burden of third world countries and the imbalance in world economic structure, and also foreign occupation, denial of the right to self-determination and lack of respect for civil and political rights. Action must accordingly be taken to channel international efforts towards the adoption of a strategy which could be implemented on a global basis.

72. In that context, his delegation welcomed the recent global consultation on the realization of the right to development as a human right, whose conclusions and recommendations were contained in a report by the Secretary-General (E/CN.4/1990/9 (Part III)) and might provide the Commission and other United Nations bodies with a basis for action. His delegation supported in particular the recommendation for making the United Nations Centre for Human Rights the focal point for the implementation and strengthening of the Declaration. It also supported the recommendation for holding periodic General Assembly plenary debates on international co-operation in the full realization of the right to development and inclusion of the question in the agendas of the First and Second Committees of the Economic and Social Council and the Third Committee of the General Assembly. Some of the recommendations required further examination, and his delegation felt that it would be useful to bring the report of the Secretary-General to the attention of the Economic and Social Council and the General Assembly, particularly during the Assembly's special session on international economic co-operation, to be held in April, and of the Committee for Development Planning and the Ad hoc Committee of the Whole for the Preparation of the International Development Strategy for the Fourth United Nations Development Decade.

73. His Government was aware that economic development was primarily a national responsibility and had energetically taken up its responsibility in that regard; despite severe financial constraints, it had embarked on a bold programme of structural adjustment and reform designed to create favourable conditions for balanced growth, with a view to establishing a just social order and ensuring enjoyment of the fruits of development by all sections of the population without discrimination. Many reforms had been effected, particularly in the areas of rural development and education. Added emphasis had been placed on the progress of women in society, and the Government had declared 1990 the "Year of female children". A number of measures had been taken to invigorate the economy, inter alia by strengthening the private sector, reducing government subsidies and accelerating the denationalization of ailing industries in the public sector. All those measures were consistent with the fundamental principles enshrined in the Declaration, which provided that the human person should be the focal point of the development process and its ultimate beneficiary.

74. Mr. LEPRETTE (France) said that his delegation associated itself with all those which had expressed great satisfaction at the release of Nelson Mandela. When it had decided to devote a separate agenda item to the right to development, the Commission had confirmed the important role which that right played and would continue to play in future discussions on human rights, and emphasized the fact that that right derived not only from economic, social and cultural rights but also from civil and political rights. That multiple dimension had emerged in a very clear manner during the global consultation on the right to development as a human right, which had been held in Geneva in January 1990. Paragraph 11 of the conclusions reached by the consultation (E/CN.4/1990/9 (Part III)) stated that "The enjoyment of all civil, political, economic, social and cultural rights is both the necessary condition and aim of the right to development". The close parallel between the right to development and the rights of the individual had also been clearly enunciated in the resolution on fundamental rights adopted by the Heads of State and Government of the French-speaking countries, meeting in Dakar from 24 to 26 May 1989. His delegation greatly hoped that that basic concept would be included in the draft resolution to be adopted by the Commission.

75. While there was a close relationship between civil and political rights, on the one hand, and economic, social and cultural rights, on the other, talk of interdependence must be avoided as that concept presupposed that one category of rights must be realized before the others could be tackled. As the report on the consultation had emphasized, "a development strategy that disregards or interferes with human rights is the very negation of development". Likewise, a justifiable concern to place the defence of freedom and democracy at the forefront of its concerns must not lead a country to neglect the threats to the rights of the individual represented by hunger, illiteracy or extreme poverty.

76. It was true that some demands were more easily met than others, but the distinction between those rights which could be respected immediately and those which needed time before they could be realized did not necessarily coincide with the distinction between civil and political rights and economic, social and cultural rights. The full realization of civil and political rights also needed infrastructures, equipment and training. It was therefore important to assist the less affluent countries, *inter alia* by providing them with the advisory services of the Centre for Human Rights, on condition that the States concerned clearly undertook to implement the measures which could, in their particular case, be taken without delay.

77. The consultation had also brought out the central role of the individual as the subject of development. That meant that a development policy which sacrificed fundamental rights, even of a small number of individuals, was unacceptable and that no development policy could succeed without the acceptance and active collaboration of those concerned. Hence the value of the dialogue which had developed, and should continue, between the proponents of development and the defenders of human rights, first at the State level and then at the level of United Nations bodies. His delegation would support any proposal to encourage, within the United Nations Secretariat, better communications between the economic sector and the human rights sector; on that question, the suggestions made by the Director-General for Development and International Economic Co-operation should be given careful consideration.

In addition, at future exchanges of experience on realization of the right to development, non-governmental organizations specializing in development assistance should be allowed to participate on the same basis as those concerned with human rights.

78. To quote the Ambassador of Senegal, the right to development was "a composite right with an individual and collective, national and international dimension". Its realization therefore required simultaneous efforts by States and co-ordinated action by the international community, as well as continuing dialogue between the various parties concerned. The Fourth Lomé Convention, which had been concluded recently, was a good illustration of the desire for dialogue. It represented a significant contribution to the defence of human rights, and two lessons could be drawn from it: (a) the defence of human rights could no longer be separate from development; (b) the best means of developing that relationship was dialogue and an agreed policy. Defence of the rights of the individual and the encouragement of development involved a free combination of the respective aspirations and requirements. Realization of the right to development required both the free participation of the individuals and groups concerned, and an agreed association of interested States and institutions. It was in that spirit that France would endeavour to promote that achievement.

79. Mr. SEZAKI (Japan), speaking on items 17 and 18, appealed to those countries which had not yet acceded to the two International Covenants (only about 90 countries had done so). His delegation welcomed the adoption by the General Assembly of the Convention on the Rights of the Child at its forty-fourth session. Generally speaking, while the achievements of the United Nations in the field of human rights were among its most significant, many problems remained, at both the national and international levels. One of the main goals of the international community was to ensure respect for human rights on a de facto, and not merely de jure, basis. The Commission and the treaty bodies played a lively and invigorating role, but such organs should not be regarded as courts in which sentence could be pronounced against particular countries.

80. He referred to a number of elements which, in his opinion, were essential in order to enhance universal respect for human rights. First, the competent United Nations organs must avoid politicization. Secondly, those organs must collect the maximum amount of factual information. Thirdly, the burden imposed on States by reporting obligations must be reduced. Utilization of the advisory services was one means of achieving that result; he hoped that the Voluntary Fund for Advisory Services would be able to meet the requests of States in full. Information technology was another useful tool, but additional expenditure for that purpose should not be incurred too hastily. In that connection, he recognized the usefulness of the proposals contained in the study by Mr. Alston on streamlining reporting procedures. That study made it particularly clear that duplication must be avoided and calendars reconsidered. Fourthly, the differences between the two categories of rights, as articulated in the two Covenants, must not be ignored. The gradual realization of economic, social and cultural rights should not be used as an excuse for delay in guaranteeing civil and political rights.

81. On the question of setting new standards, both duplication and contradiction must be avoided, so that the new standards would be consistent with the existing instruments, and any new standard must be universal in

nature, so that it would be accepted and enforced by as many States as possible. In any case, universalization of the Covenants must, for the present, be given priority over the setting of new standards; in that connection, he referred to General Assembly resolution 41/120. Lastly, he requested all States Members of the United Nations to commit themselves to further progress in the human rights field and reaffirmed that his Government would spare no effort to that end.

82. Mr. Ditchev (Bulgaria) took the Chair.

83. Mrs. REGAZZOLI (Argentina) welcomed the release of Nelson Mandela and expressed the hope that it would mark a decisive step towards the elimination of apartheid.

84. Concerning agenda item 8, she considered it encouraging that, only three years after the adoption by the General Assembly of the Declaration on the Right to Development, significant progress had already been made. In January 1989, the twelfth session of the Working Group of Governmental Experts on the Right to Development had been held and, from 8 to 12 January 1990, the global consultation on the realization of the right to development had taken place. Following the first of those events, a separate item had been devoted to the question; the second event had made it possible to define the approach to be adopted.

85. It was generally accepted that the right to development was both an individual and a collective right. It followed that one of its elements was the inalienable right to development of the less developed countries. A further concept which had been accepted was the indivisibility of fundamental rights, and the refusal to give precedence to one category of rights over another. In that connection, the global consultation had stressed that, if the full realization of human rights was slower in the developing countries, it was because of their economic difficulties.

86. In that context, she drew attention to the problem of external debt. In her own country, the external debt and structural adjustment programmes entailed enormous human and social costs, and represented the main obstacle to enjoyment of the right to development. The problem was known to be equally serious in other regions: the Minister for Foreign Affairs of the Philippines had informed the Commission at the current session that 40 per cent of his country's budget had to be devoted to debt service. For Latin America in general, ECLAC had estimated that, because of external indebtedness, regional production would decline by approximately 10 per cent during the 1990s as compared with the 1980s. And it had been stressed in the conclusions of the global consultation that the agreements between the developing countries and the World Bank, IMF and the commercial banks regarding external debt and structural adjustments were jeopardizing realization of the right to development and all human rights.

87. Current economic developments were not favourable to the developing countries: protectionism persisted in the markets of the industrialized countries, tariff measures were spreading and subsidies to national production were hindering the exports of the developing countries. Generally speaking, the efforts of the developing countries could not bear fruit without a parallel change in the international economic and financial environment.

88. Her delegation firmly supported the conclusions and recommendations of the global consultation contained in document E/CN.4/1990/9, particularly the recommendation which called for the Centre for Human Rights to be given responsibility for co-ordinating human rights questions and economic questions, with a view to reaching formulas acceptable to all. Recalling the responsibility of the international community for the realization of economic and social rights, she expressed the hope that those States with most resources would make the greatest possible efforts to find a solution to the economic crisis besetting the developing world.

89. Mr. MOTAGHI-NEJAD (Observer for the Islamic Republic of Iran), speaking on items 7 and 8, welcomed the overall trend towards consensus in the debate on those questions, but regretted certain dogmatic opinions which had been expressed. In his delegation's view, human rights were indivisible. It considered that civil and political rights could not be realized in the abstract, in the absence of adequate economic, social and cultural rights. On the other hand, rights in the first category could not be suspended pending realization of the second category of rights. The current collapse of a school of thought which stressed justice at the expense of freedom confirmed that view; freedom without justice was an empty concept. The United Nations and the international community could not limit themselves to promoting a single category of rights; they would achieve greater success if they concerned themselves simultaneously with all human rights.

90. The adoption of the Declaration on the Right to Development was one very important step forward. The global consultation on the realization of that right was another. His delegation supported the conclusions and recommendations of the consultation contained in parts III and IV of document E/CN.4/1990/9. It also drew attention to the measures recommended in the second part of the recommendations, and expressed the hope that the Commission would play its proper role in that respect during the current session.

91. Mr. MOKADDEM (Observer for Tunisia), speaking on item 8, cited the statement made by Mr. Zine El Abidine Ben Ali, President of the Republic of Tunisia, at the international symposium on democratic transitions in the modern world, which had been held in Tunis in November 1989: "The taking root of democracy, the consolidation of freedoms, the protection of human rights and the will to expand the scope of those rights represent a perpetual quest. Hardly have we realized the goals which we have set ourselves in that field than new perspectives appear on the horizon". The right to development, in particular, called for continuing action at the national and international levels.

92. His delegation welcomed the growing interest shown by the international community in that right, in the current context of far-reaching political, economic and technological change and substantial progress in human rights. In that context, the international community must give practical effect to its commitments in the struggle against poverty, inequality and injustice. The conclusions and recommendations of the global consultation on the realization of the right to development provided valuable guidelines in that respect.

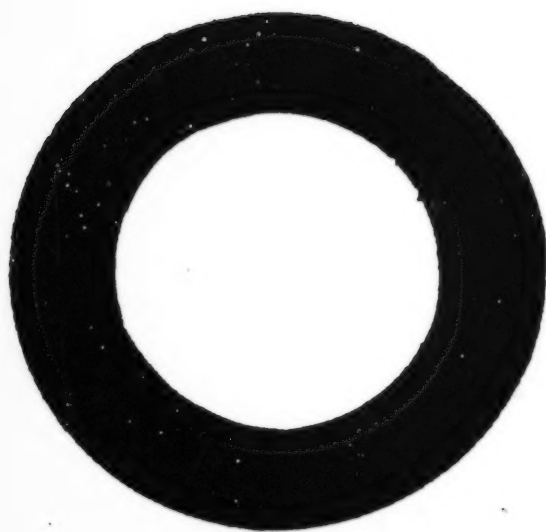
93. He stressed the importance of popular participation in the choice of method of development, of mutual confidence between Government and governed, and of dialogue between the different partners in society. National

mobilization was indeed a fundamental condition of genuine development; it required that the individual should fully enjoy his freedom and his rights.

94. Since the change which had taken place in Tunisia on 7 November 1987, the Government, aware of the aforementioned requirements, had been encouraging a climate of democracy, individual initiative and dialogue. The latest national economic and social indicators showed that the initial results of that policy had been encouraging. An appropriate international environment was also necessary, however. Currently the persistence of certain areas of tension and the concentration of arms in certain regions, such as the Mediterranean, posed a serious threat to the economic and social development of the neighbouring countries. Even more serious were situations in which nations were subjected to foreign domination and military occupation. The persistence of racism, colonialism and apartheid represented a terrible obstacle to development.

95. He mentioned other obstacles impeding the economic growth of the developing countries: the external debt, which resulted in a net transfer of financial resources from the South to the North; the deterioration in the terms of trade; and the poor functioning of the multilateral trade system due to the proliferation of protectionist measures against manufactures exported by the developing countries. The work of the forthcoming special session of the General Assembly would be of vital importance in that connection. It would be devoted to the reactivation of growth and development and the formulation of the International Development Strategy for the 1990s, and would provide an opportunity for a genuine dialogue between North and South. It was to be hoped that that dialogue would inspire efforts by all to break the vicious circle of stagnation which afflicted most of the developing world. Structural adjustment programmes by the developing countries could not succeed without a noticeable improvement in the world economic environment. In that connection, he referred to the appeal made by the President of Tunisia at the forty-fourth session of the General Assembly for the conclusion between the countries of the North and South of a contract based on peace, justice and the strengthening of international co-operation for development.

The summary record of the second part of the meeting appears as document E/CN.4/1990/SR.20/Add.1.





**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1990/SR.20/Add.1
16 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE SECOND PART * OF THE 20TH MEETING

Held at the Palais des Nations, Geneva,
on Monday, 12 February 1990, at 6 p.m.

Chairman: Mr. DITCHEV (Bulgaria)
later: Ms. SINEGIORGIS (Ethiopia)

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Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which developing countries face in their efforts to achieve these human rights, including:

* The summary record of the first part of the meeting appears as document E/CN.4/1990/SR.20.

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- (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms;
- (c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights (continued)

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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

- (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;
- (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;
- (c) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (agenda item 7) (continued) (E/CN.4/1990/8 and 66 and E/CN.4/Sub.2/1989/19)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1990/9 (Part III) and 33; E/CN.4/1990/NGO/18 and E/CN.4/1989/10)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 17) (continued) (E/C.12/1988/1, CCPR/C/2/Rev.2 and A/44/441)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 18) (continued) (E/CN.4/1990/39, A/44/539 and 668)

1. Mr. SIERLA (Observer for Finland) said that the enlargement of the body of human rights law as a consequence of the adoption by the General Assembly at its forty-fourth session of the Convention on the Rights of the Child and the second Optional Protocol to the Covenant on Civil and Political Rights aimed at the abolition of the death penalty represented an important step forward. It was even more important, however, that an increasing number of States should manifest their determination to put such instruments into effect by accepting the supervisory mechanisms contained in them. In that connection, his delegation had noted with particular satisfaction that the number of States which had accepted the first Optional Protocol to the Covenant on Civil and Political Rights, establishing the right of an individual to send communications to the Human Rights Committee, had risen to 48 and the fact that several States had withdrawn their reservations concerning the jurisdiction of the International Court of Justice in respect of human rights instruments. Those developments were not unrelated to the improvement in the political climate, particularly in Europe, and his delegation wished to stress the importance of the consequences thereof from the human rights perspective.

2. In recent years, a number of problems had arisen in connection with the implementation of the conventions through the bodies established in them for that purpose. Such problems related to the functioning of the reporting systems in the various conventions, to the insufficiency of the resources

available and to the rigidity of the procedures whereby implementation took place. The development of the implementation system had been extremely fast and the quantity of work under the instruments had escalated rapidly. That growth had not been matched by a corresponding allocation of resources to the committees and the secretariats serving them. In that connection, his delegation supported the recommendations regarding implementation contained in paragraphs 1-33 of the independent expert's study (A/44/668).

3. With respect to long-term action, his delegation wished to stress the need for selective constraint in further standard-setting; whenever new instruments were accepted, care should be taken to avoid duplication and, in particular, deviating standards. Any basic improvements in the existing implementation system might require amendment of the treaties. One possibility might be combining the existing bodies and the reporting procedures into a single consolidated process.

4. His delegation reserved its position on some of the suggested short-term improvements and would refer only to the fact that, in several fields, overlapping of reporting obligations had been encountered. Such duplication could to some extent be avoided by a system of cross-referencing. It would be still more efficient, however, if the treaty bodies were to draft their reporting guidelines in such a way as to indicate the matters on which a State should concentrate when reporting to them.

5. The non-submission of reports and the submission of inadequate reports remained a core problem. If the reporting system proved to be an inadequate way of supervising implementation, then there would be a strengthened case for aiming at universal systems of communications from individuals. In that connection, the inclusion of an optional communications system in the draft Convention on the Protection of Migrant Workers and their Families was to be welcomed.

6. The financing of the treaty bodies was also a matter of concern. His delegation took the view that, as a matter of principle, such financing should not be left to the parties to the treaties and that non-payment of contributions should not serve to prevent the effective functioning of the treaty body. The problems afflicting the Committee on the Elimination of Racial Discrimination might also spread to the Committee against Torture and would, in the long run, be soluble only through amendment of the respective constituent instruments.

7. His delegation welcomed the wide publicity that the work of the Human Rights Committee had received through its yearbooks. The publication of the Committee's views under the Optional Protocol was already starting to have an impact on national interpretation of the provisions of the Covenant. It seemed essential that the relevant publications of the treaty bodies should be compiled in a restrictive and analytical way.

8. In conclusion his delegation wished to stress the importance of providing the Centre for Human Rights with adequate staffing and other resources.

9. Mr. RYDER (International Confederation of Free Trade Unions) said that, notwithstanding the recognition given in the Declaration on the Right to Development to the complex nature of the development process, the decisions of policy makers, both national and international, had tended to be based on the

behaviour of economic aggregates alone. In the view of his organization, the social dimension was of critical importance and must be accorded explicit priority by policy makers; development did not follow automatically in the wake of economic growth.

10. The burden of external debt represented a massive obstacle to the realization of economic and social rights and was largely beyond the capacity of individual debtor countries to eliminate. His organization had consistently recognized the impossibility and injustice of insisting upon full repayment, and had urged the reduction and writing-off of such debt. Notwithstanding some initiatives in that direction, there had been no concerted global approach to the crisis on a scale commensurate with the enormity of the problem. Indeed, the burden of debt-servicing had actually increased, with the result that resources continued to flow from the developing to the developed world in the opposite direction to the requirements of the development process.

11. The programmes of structural adjustment imposed by the International Monetary Fund in particular, because of their narrow focus on economic indicators, had provoked general hardship and social regression. Recently, however, the Managing Director of the Fund had given assurances that increasing attention was being given to measures affecting the poor in designing adjustment programmes, while the World Bank had introduced a programme on the social dimensions of adjustment in sub-Saharan Africa. Nevertheless, a consensus must be reached among debtors and creditors, including the commercial banks, on joint responsibility for the resolution of the crisis.

12. That would require the widest possible participation and, in particular, participation by the trade unions which represented the working people who were primarily affected by structural adjustment policies. It was the experience of many ICFU affiliates that their Governments had failed to recognize the imperative of ensuring effective popular participation in policy making as a necessary prerequisite for the realization of economic, social and cultural rights.

13. Such considerations acquired special importance in the context of the radical changes currently taking place in Central and Eastern Europe. The task of reconstructing those countries must be based firmly on full respect for human rights, which alone could open the road to true development.

14. His organization was following with close interest United Nations work on the preparation of a new international development strategy; at the centre of which employment issues and international labour standards must be firmly placed.

15. Long-standing inequities in the system of world trade had militated against the realization of global development. His organization believed, in particular, that the General Agreement on Tariffs and Trade (GATT) had been inadequate in that it permitted social regression and the depression of basic labour standards to be used as instruments of international economic competition. There was nothing in GATT to stop countries that repressed trade unions, exploited and intimidated workers, put children to work, and subjected working people to unhealthy or even lethal conditions, from acquiring trade

advantages thereby. His organization believed that countries which acted in such a manner, violating basic international labour standards as set out in the ILO Conventions, should be denied trading privileges by means of the inclusion of a social clause in the General Agreement.

16. Ms. SINEGIORGIS (Ethiopia) took the Chair.

17. Ms. AHIABA (Indian Council of South America) said that the issue of the debt crisis was of particular interest to the indigenous peoples of South America who were among the world's poorest.

18. In its issue of 27 January 1990, The Economist had drawn attention to the fact that, over the preceding seven years, third-world countries had paid to their creditors approximately \$US 240 billion, some \$US 165 billion of which had come from Latin America. The amount represented the capital which the third world needed for its own development in terms of its most basic needs for food, medicine, health services and education.

19. Current international economic policy represented a violation of human rights in so far as it compelled the poor countries to contribute to the further enrichment and development of the most highly developed and richest countries. For that reason, her delegation took the view that the Commission should consider the debt issue as a matter of importance in its forthcoming sessions.

20. The indigenous peoples of South America had derived no benefits to date from the rights stipulated in articles 1 and 2 of the Declaration on the Right to Development. Her delegation therefore hoped that the Commission would take immediate action pursuant to General Assembly resolution 44/62 of 8 December 1989 on the right to development.

21. The indigenous peoples, together with women in general and other minorities, were currently completely overlooked in general development policy. According to the Declaration on the Right to Development, every human being had the right to participate actively in the development process. New concepts of development must be considered so as to enable all countries and peoples to participate equitably in the benefits of development. In particular, long-term projects must be evaluated in terms of their compatibility with sustainable ecological development.

22. In conclusion her delegation urged the Commission to support the recommendations contained in the Secretary-General's report on the global consultation on the right to development (E/CN.4/1990/9 (Part III)).

23. Mr. NOORANI (India) said that, in his delegation's opinion, human rights were indivisible and should be treated in an integrated way. Any approach which seemed to compartmentalize human rights would not serve the cause of promoting their full enjoyment.

24. Just as political freedom and social and economic progress were inseparable, so peace and development were also interrelated. There could be no durable peace as long as social and economic disparities between and within nations continued to widen. Events in the immediate past had shown how the global economic crisis, which had originated in the industrialized countries,

had created much greater problems for the developing countries. The instability of the world economy during the 1980s had been manifested in massive budgetary deficits and payment imbalances in several developed countries and in the volatility of exchange rates.

25. The overall situation had had grave consequences for developing countries. It had resulted in a serious deterioration of the terms of trade, a decline in the flow of financial resources and a sharp escalation in the debt burden of those countries. The rise of protectionism had compounded the problems. Full realization of economic, social and cultural rights was affected by currents in the global economic situation. The severe adjustment burden which had been imposed on the indebted countries had exacted heavy sacrifices of their peoples in social, economic and cultural terms and that, in turn, had exacerbated social and political tensions.

26. The right to development was indispensable for the full realization of all human rights. That was especially true in the case of developing countries. The view had often been voiced that the right to development had no proper legal foundation, but that view was unjustified. The right to development had a legal basis for affirmative action in the Preamble to the Charter of the United Nations. In the view of his delegation, the Declaration on the Right to Development was one of the most important initiatives of the United Nations towards innovative standard-setting and codification, since it provided legal recognition of that essential right.

27. The most important dimension of the right to development was, however, its human aspect. The view had been expressed during the recent global consultation that the right to development was not a human right at all. Such a view was based on a misconception of what development connotated. Development did not mean merely the satisfaction of material needs; it also involved the creation of conditions which were necessary for the improvement of the quality of life of human beings who could develop and realize their full potential only if the society in which they lived had itself developed.

28. Implementation of the right to development implied the realization of a number of conditions at the local and national levels as well as at the international level. They included the participation of those concerned in the formulation and application of development policies, the adoption of policies based on the principle of self-reliance, and respect for all human beings under the rule of law.

29. Efforts made at the international level to strengthen peace and security would be greatly assisted by the promotion and implementation of the right to development. It was for that reason that his delegation had, on a number of occasions, emphasized the fundamental relationship between disarmament and development.

30. His Government considered that the dissemination and popularization of the Declaration on the Right to Development was a task of high priority which should include the widest distribution of its text in various languages. National as well as international measures would be necessary for the proper implementation of the Declaration. International action was not a substitute for national action. Just as his Government believed in the participation of

all nations in the development programmes of the new international economic order, so it believed that popular participation of all individuals in national development was indispensable for the realization of the right to development. India's development plans were geared to ensuring popular participation in developmental processes from the village level upwards.

31. His delegation demurred from the view that implementation of the provisions of the Declaration was mainly the concern of developing countries, convinced as it was that the interests of developing and developed countries converged therein. Poverty anywhere was a threat to prosperity everywhere. Increasing global interdependence on such issues of universal concern should inspire co-operative and concerted action by the international community, in connection with which the United Nations had a key role to play.

32. Mr. RUKNUDDIN (Pakistan) said that the Declaration on the Right to Development had been a landmark in the elaboration of human rights standards. The Declaration had recognized that the creation of conditions favourable to the development of peoples and individuals was the primary responsibility of their State. It had also underlined that efforts to promote and protect human rights at the international level should be accompanied by efforts to establish a new international economic order.

33. In the view of his delegation, one of the greatest obstacles to the realization of the right to development was the inequitable international economic system. It agreed therefore with the conclusions and recommendations expressed in the report on the global consultation (E/CN.4/1990/9 (Part III)) concerning the serious problems posed by the growing burden of indebtedness, the prevailing terms of trade, the current international monetary system, the denial of the transfer of technology, the growing protectionism practised by some developed countries, the net transfer of resources and the brain drain.

34. In that connection, his delegation supported the recommendation that all States should co-operate in creating an international economic and political environment conducive to the realization of the right to development through the democratization of decision-making in intergovernmental bodies and institutions dealing with trade, monetary policy and development assistance. Greater international partnership in the fields of research, technical assistance, finance and investment were also important. His delegation likewise supported the proposal for the establishment of a committee of experts to monitor progress in the implementation of the Declaration.

35. The denial of the right to development implied in practice the denial of a whole range of fundamental rights, including the right to life. Millions of children in the third world died every year from starvation, and about 800 million people were living in conditions of hunger and disease. They were the direct victims of the violation of the right to development.

36. Ms. FOULDS (United Kingdom) said that the recent global consultation had served as a positive step towards a better understanding of the right to development as a human right although, given the complexity of the subject, it would clearly require much further analysis and consideration. It was also clear that other United Nations bodies were better qualified than the Commission to deal with technical issues such as debt and development.

37. As a human rights body, the Commission must focus its attention on the subject of the right to development, namely, the human person and his or her right to participate in, contribute to, and enjoy continuing economic, social and cultural and political development in which all human rights and fundamental freedoms could be fully realized. The realization of the right to development could best be achieved through the comprehensive implementation of the individual rights contained in the International Covenants on Human Rights. The right of participation was particularly important in that respect because, without effective participation by individuals in all aspects of the decision-making process, balanced development could not be achieved.

38. In the view of her delegation, a development strategy which disregarded or interfered with the enjoyment of human rights failed to respect an essential principle of good government. The recent study by the World Bank on sub-Saharan Africa was a timely contribution to the debate in that respect, as it had focused on the need for sustainable growth with equity, an objective which her Government warmly welcomed. The study had also given welcome recognition to the importance of improving good government in all its aspects, including the fair operation of judicial systems, the curbing of official corruption, the promotion of freedom of expression and of the press and the principle of democratic accountability.

39. Her Government also attached the greatest importance to the effective functioning of the treaty monitoring bodies and therefore welcomed the several measures taken since the last session of the Commission to examine further the difficulties faced by those bodies.

40. In his report as independent expert on possible long-term approaches to the supervision of new instruments on human rights, (A/44/668), the Rapporteur of the Committee on Economic, Social and Cultural Rights had drawn attention to the rapid expansion in the numbers not only of human rights treaties but also of States parties to them and consequently of the number of reports currently required to be considered by the treaty bodies. The burden on member States required to make reports had also grown in terms of both quantity and quality. A picture had emerged of a distinct lack of resources available to the treaty bodies in performing their work. In addition to financial constraints on the meeting time of those bodies, there was a shortfall in the level of service provided by the Secretariat, as a result of the latter's own shortage of resources.

41. Her delegation, like others, had called for more resources to be allocated within the United Nations budget to the Secretariat functions involving human rights. The independent expert's report had shown that, along with organizational remedies, the need for such increased resources was critically urgent in the case of the treaty bodies.

42. Her delegation shared the conclusions of the study on computerizing the work of the treaty bodies (E/CN.4/1990/39) that up-to-date methods of information storage and processing were required if the severe problems of overload in the treaty body system were to be overcome; it would give careful consideration to the specific proposals made.

43. Acute problems had also arisen with regard to the failure by States to pay their contributions to the treaty bodies. Her delegation urged all States to pay in full and on time their assessed contributions and, where applicable, their contributions as States parties to human rights treaties.

44. The independent expert's report had also drawn attention to problems resulting from a proliferation of new standards and a deficiency in their implementation, in particular with regard to reporting obligations. Her delegation would therefore look carefully at any proposals for new standards in the light of the international community's overall ability to apply those already set. It endorsed the independent expert's view that more systematic cross-referencing of existing norms and provisions was needed when considering possible new instruments, and that a technical review should in all cases be required before such instruments were finalized.

45. Mr. ZODIATES (Cyprus) said that the essential element in the promotion of universal respect for, and observance of, human rights and fundamental freedoms was the full implementation by the States parties of the provisions of the International Covenants on Human Rights. A considerable number of States had not as yet become contracting parties to the Covenants and many of those which had assumed those legal obligations had ignored their obligations or interpreted them in a self-serving manner.

46. The approach to human rights had yet to be entirely divorced from geopolitics, geostrategic alliances, religion, regionalism and other similar considerations. Foreign occupation armies continued to exist and to be unacceptable and condemned in one case and excused in another although the resulting situation, which was the denial of most human rights and distortion of the political will of the inhabitants of the occupied land, was the same.

47. Cyprus was entitled to boast of its own human rights record, its adherence to its international obligations in the field of human rights and its respect for and observance of the human rights and fundamental freedoms of its own people. The continued membership of Cyprus of the main human rights bodies was not only ample proof of the country's record in the domain of human rights but also an invaluable indication of the international respect which his country enjoyed in that field. Nevertheless it continued to face difficulties which affected the degree of fulfilment of its responsibilities and obligations, difficulties which stemmed from the foreign occupation of part of its territory.

48. The great economic diversities between nations and the enormous debt of developing and third world countries were problems which presented a serious threat to the enjoyment of the civil and political as well as the economic, social and cultural rights of their peoples. There was deep concern over the continuing paradox of the time, namely, hunger amidst plenty. There was also the tendency to cut back production in some parts of the world in order to reduce stocks and maintain high prices. It was urgent that those unacceptable trends be reversed and that the adverse impact of external economic factors hampering the development of the food and agricultural sector and aggravating poverty, hunger and malnutrition be countered.

49. There was also a need to reaffirm the inalienable right of all countries and peoples to exercise effective control over their natural resources and economic activities and to stress the fundamental rights of peoples to pursue their own economic policies and programmes without any form of economic coercion.

50. The need for a constructive dialogue between the developed and the developing countries and for the exploration of ways of resolving not only global political problems, but also economic and social ones, had been stressed at the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade in September 1989.

51. Despite an improvement in world output and international trade during the previous year, the economic situation of the developing countries had continued to deteriorate. In many of them economic growth had been stifled by the debt burden and its implications for the welfare of their peoples. The external debt problem of the developing countries was a manifestation of the deficiencies within the international economic system and its effect had assumed serious international political dimensions. The burden of servicing that huge debt had been exacerbated by the structural adjustment process as well as by the lack of access to financial markets and the decline in real terms of official development assistance. Such problems threatened the very social stability of many developing countries.

52. There was an urgent need for a political dialogue on economic problems and his delegation welcomed the efforts to revive the Economic and Social Council as a means of promoting the role of the United Nations and tackling economic and social issues. There was also a need for direct talks between the developed and developing nations on those issues.

53. In conclusion, his delegation wished to reiterate the great importance it attached to the proper functioning of the mechanisms built into the International Covenants on Human Rights for monitoring compliance with their provisions.

54. Mrs. WORKU (Ethiopia), said she wished to draw the Commission's attention to document E/CN.4/Sub.2/1989/19 in which Mr. Danilo Türk, the Sub-Commission's Special Rapporteur on the realization of economic, social and cultural rights, argued forcibly for a unified approach, based on the concept of human dignity, to the interpretation of the two major groups of human rights.

55. The right to development had yet to be given the weight it deserved as a human right and there was continuing ambivalence about according it such a status. It should however be quite plain that, if all forms of denial of human dignity were unacceptable, then the deprivation of the right to development was also unacceptable. Extreme poverty deprived those affected by it of the minimum level of human dignity. The enjoyment of political, social, economic and cultural rights was hardly within the reach of those who suffered from lack of development. Implementation of the right to development had remained difficult, because somehow the right to development was perceived as being of no universal import because it was tacitly assumed that it applied only to developing countries.

56. Serious commitment to the right to development as a third generation of human rights called for concerted action by the international community, in particular by the developed countries, to promote more effective international co-operation with a view to removing the impediments which stifled economic growth and development in the developing countries. The exercise of the right to development was heavily dependent on actions taken through international co-operation to improve the international economic environment, whose adverse consequences as a result of the heavy debt burden, trade imbalances and precipitously declining commodity prices, represented obstacles to the development of the developing countries.

57. The reality however was that, despite the current improvement in the international political climate, the level of international economic co-operation left much to be desired. In the view of her delegation, the global consultation on the realization of the right to development had identified some of the major obstacles to the implementation of the Declaration on the Right to Development (E/CN.4/1990/9). It was her delegation's hope that a growing consensus would be created for the acceptance of the right to development as a third generation of human rights, thus creating the conditions for the full exercise of political and civil as well as economic, social and cultural rights in the developing countries.

58. Mr. ACHA PRADO (Observer for Bolivia), said that the efforts of the developing countries to provide basic conditions for their peoples to enjoy the right to development, had encountered a myriad of obstacles, including, in particular, the heavy burden of external debt, the servicing of which had resulted in huge net transfers of capital from the developing to the developed countries. Many developing countries had been obliged to adopt economic adjustment policies at a high social cost often involving not only a threat to the human rights of the population but also, in a number of countries, to their hard-won democratic institutions. That effort by the developing countries had not received adequate support from the international community. Each developing country had therefore been obliged to negotiate individually with its creditors, on the basis of its own resources.

59. The external indebtedness of Bolivia, while comparatively small in absolute terms, was one of the highest in the world in proportion to the population. That factor had contributed to the highest rate of hyperinflation in the Latin American continent. It had been possible to find a solution to that problem only through the adoption, in 1985, of a stringent economic adjustment programme which had succeeded in curbing hyperinflation and stabilizing the economy, with results that had drawn international praise. With the support of a number of friendly countries, Bolivia was currently on the point of reaching agreement on its indebtedness to the international commercial banking system. Negotiations with the Paris Club would, it was hoped, lead to a stretching out of the bilateral public debt at lower interest rates. Nevertheless, his country's debt, like that of other developing countries, was completely disproportionate to its capacity to pay.

60. Notwithstanding such problems, his Government, faithful to its democratic vocation, had persisted in its efforts to safeguard the effective enjoyment of civil and political rights by its people and their right to develop through economic growth on the basis of the indivisibility of human rights. The

problem had serious social implications however, and it could not be solved by Governments acting individually. It had to be tackled by the international community as a whole and, in that task, the Commission had a vital role to play.

61. The recent global consultation had clearly demonstrated the linkage between respect for human rights in the development process, on the one hand, and the stability of States and international peace and security on the other. His delegation took the view that the Commission should continue its consideration of the issue of external indebtedness at its next session.

62. Mr. MEZZALAMA (Italy) said that recent developments in international law had established that basic human rights were ruled by universal international law and that, accordingly, all members of the international community were bound to respect them. International rules on fundamental human rights were therefore a part of the law of every State and were not subject, for their immediate application, to any particular procedure used by a State to adapt its legislation to treaty law. On the other hand, monitoring procedures, individual rights of petition to international committees and other international systems of guarantee affecting the application of human rights were still governed by conventional rules and, as such, could be applied only to States which had become parties to the instruments concerned.

63. In the light of those considerations, an appropriate initiative should be taken to codify international customary rules in the field of human rights. It would then be possible to make a clear-cut distinction between the principles, rights and duties that required universal respect and application and those remaining rules, of a conventional nature, which required express acceptance by a State before it could be considered liable.

64. His delegation did not believe that it would be possible in the near future to restate the substantive rules on human rights. It might, however, be logical to discuss what could be done to rationalize the United Nations human rights programme for future years. The search for new treaties and new procedures should give way to a more mature approach with an ultimate view to the creation of a comprehensive and organic set of provisions. The new international political climate favoured the establishment of a corpus juris having the value of constitutional international law and representing the hard core of minimum standards to which all members of the international community must adhere.

65. His delegation welcomed the adoption by the General Assembly of the Optional Protocol aiming at the abolition of the death penalty, which reflected the good will and co-operative approach shown by all States. At the same time, the principle of the optional nature of that instrument should not be forgotten. His delegation hoped, however, that an increasing number of States would sign it.

66. His delegation welcomed the discussion under agenda item 7 of the implications of economic, social and cultural rights. The preliminary report of the Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1989/19) reviewed different theories and standpoints on those rights in relation to civil and political rights. His delegation had noted the conclusions of the preliminary study and looked forward to a further in-depth exploration of the

topic. In its view, all human rights must have the same status and all were indivisible and interdependent. The implementation of economic, social and cultural rights could not therefore be carried out without the simultaneous full observance of civil and political rights.

67. In connection with the right to development, his delegation noted that the report on the global consultation (E/CN.4/1990/9) contained a number of pointers regarding the way in which that right might be realized. His delegation fully understood the hopes of the developing countries that those new principles might represent additional help in solving their problems in a renewed framework of international solidarity. It would be more realistic, however, to adopt a step-by-step approach; the first stage should be a feasibility study which would investigate the different aspects of the right to development with a view to determining appropriate action for its implementation.

68. As for the functioning of United Nations treaty bodies, his delegation welcomed the two reports prepared by the independent expert (A/44/668) and by the task force on computerization (E/CN.4/1990/39) respectively.

69. It had been a matter of ever-increasing concern to witness the progressive difficulties the reporting and monitoring systems set up by different United Nations instruments were encountering. The two reports in question dealt with two of the most prominent aspects of the problems involved.

70. The most significant phenomenon which emerged from the reports was the rate of growth of activities which came under the heading of reporting and monitoring, including the increase in the number of instruments containing reporting provisions, the increase in the number of States parties and the increase in the volume of reports. All those factors were moving to a stage where the entire system would simply break down. Lest that should occur, the recommendations contained in the independent expert's report should be implemented.

71. His delegation also wished to stress the need for additional resources which had motivated it to sponsor resolution 1918/46 of 6 March 1989 requesting that a task force of experts be set up to prepare a study on computerizing the monitoring work. The task force had explored all fields where computerization could be employed. His delegation, which fully supported the conclusions contained in that report, intended to sponsor a draft resolution proposing that those recommendations be implemented forthwith.

72. Mr. ANDREEV (Bulgaria) said that the sweeping changes which were currently taking place in Europe had reached a stage that was conducive to genuine co-operation in the field of human rights. Against that background, profound changes had taken place in his own country over the past year with an impact upon the implementation of international standards on human rights. The new understanding of the concept of democracy had already yielded results in the domain of domestic legislation.

73. A special commission was working on a draft new constitution; a new electoral law and a new bill on political parties were being prepared and would be adopted in the near future, because free and fair, democratic

elections were to be held in Bulgaria in May 1990. Regardless of its new composition, Parliament would continue to act in accordance with the commitment of his country to the full and effective enjoyment of the human rights and fundamental freedoms of the citizens of Bulgaria.

74. Steps taken by his Government to implement the international instruments on human rights included a new law, adopted in May 1989, on the right of every citizen of Bulgaria to leave the country and return to it whenever he or she wished to do so. The Penal Code had been amended several times in order to bring it into line with the international instruments on human rights, and a new law on freedom of demonstrations and meetings had recently been adopted.

75. On 4 August 1989, Bulgaria had ratified the two Additional Protocols to the 1949 Geneva Conventions, and a decision had been taken that Bulgaria would become a party to the Optional Protocol to the International Covenant on Civil and Political Rights. Consideration was also being given to the possibility of withdrawing a number of reservations to international instruments. Under consideration also were bills on freedom of information and the mass media, on certain aspects of labour relations, on guaranteeing the confidentiality of communications and on freedom of conscience and religion.

76. In assessing the status of the International Covenants on Human Rights, his delegation proceeded from the assumption that civil, political, economic, social and cultural rights enjoyed equal status and required equal treatment and attention. It continued to think that the promotion and protection of human rights would be best served through increased observance of the Covenants and other international instruments on human rights.

77. While appreciating the valuable work accomplished by the treaty-monitoring bodies and the efforts of the Secretary-General to prepare a study on computerizing that work, his delegation regretted that, owing to financial problems, the Committee on the Elimination of Racial Discrimination had been unable to hold its recently scheduled session.

78. Future international co-operation in the field of human rights would inevitably have to focus on global human rights issues and questions of environmental protection. Solutions to that problem would require joint efforts by the international community. A similar approach was needed in connection with the promotion of the right to development. His delegation had participated actively in the work on that issue and appreciated the useful results of the recent global consultation, particularly the recommendations contained in the Secretary-General's report thereon (E/CN.4/1990/9 (Part III)).

The meeting rose at 9 p.m.